

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER SGL-2009-US
INTERNATIONAL APPLICATION NO. PCT/GB99/01450	INTERNATIONAL FILING DATE May 7, 1999	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 09/700,270
PRIORITY DATE CLAIMED May 11, 1998		
TITLE OF INVENTION POLYMORPHISMS IN A NITRIC OXIDE SYNTHASE GENE		
APPLICANT(S) FOR DO/EO/US Lynette Robyn Griffiths		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

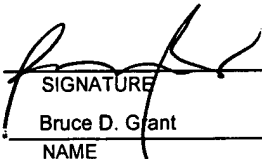
1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Response to Notification of Defective Response, Sequence Listing, Supporting Documents.

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 09/700,270		INTERNATIONAL APPLICATION NO. PCT/GB99/01450		ATTORNEY'S DOCKET NUMBER SGL-2009-US	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee..... \$300				\$	
22. <input type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100 All other situations..... \$200				\$	
23. <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared and provided to the Office..... \$400 All other situations..... \$500				\$	
TOTAL OF 21, 22 and 23 =				\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =		x \$ 50	\$00	
Independent claims	- 3 =		x \$200	\$00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$00	
TOTAL OF ABOVE CALCULATIONS =				\$00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$	
				Amount to be refunded:	\$
				Amount to be charged:	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO: BioTechnology Law Group 658 Marsolan Avenue Solana Beach, CA 92075					
				SIGNATURE  NAME Bruce D. Grant 47,608 REGISTRATION NUMBER	

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): GRIFFITHS, Lynette R.

Application No.: 09/700,270

Filed: 13 November 2000

Title: Polymorphisms in a Nitric Oxide Synthase Gene

Attorney Docket No.: SGL-2009-US

Group Art Unit:

To Be Assigned

Examiner:

To Be Assigned

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

Mail Stop: PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This is in response to a Notification of Defective Response. Enclosed is a copy of said Notice and the following documents to complete the filing requirements of the above-identified application.

- ( X ) Statement Accompanying Sequence Listing (1 page);
- ( X ) 1-Diskette containing computer readable format of sequence listing; and
- ( X ) Paper copy of Sequence Listing Transmittal Sheet for Submission of Sequence Listing (2 pages)

Applicants assume the application is now in proper order and in condition for examination. Please direct any inquiries to the undersigned attorney at 858-623-9470.

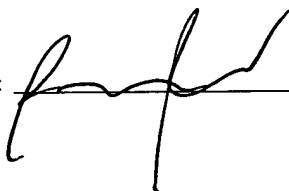
If there are any additional fees due please contact the undersigned attorney at 858-623-9470.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail Mo. ER 261942839 US in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Date of Deposit: FEB 12, 2005

Typed Name: BRUCE D. GRANT

Signature: \_\_\_\_\_



Respectfully submitted,

By \_\_\_\_\_

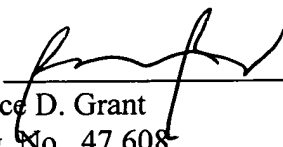
Bruce D. Grant

Reg. No. 47,608

Telephone No.: 858-623-9470

Facsimile No.: 858-623-9476

Email: [bruce@biotechnologylawgroup.com](mailto:bruce@biotechnologylawgroup.com)



JAN 19 2005

Morrison &amp; Foerster, LLP



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

RECEIVED

U.S. APPLICATION NUMBER NO. 09/700,270	FIRST NAMED APPLICANT Lynette Robyn Griffiths	ATTY. DOCKET NO. GG109US
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INTERNATIONAL APPLICATION NO. PCT/GB99/01450
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1A. FILING DATE 05/07/1999	PRIORITY DATE
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25225  
 MORRISON & FOERSTER LLP  
 3811 VALLEY CENTRE DRIVE  
 SUITE 500  
 SAN DIEGO, CA 92130-2332

BD \* inactive transfer

* No Docketing Required *
Reviewing by Docketing
Initials <u>au</u>

CONFIRMATION NO. 2851

371 FORMALITIES LETTER



\*OC000000014926758\*

Date Mailed: 01/12/2005

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Copy of the International Application filed on 04/16/2001
- Copy of the International Search Report filed on 04/16/2001
- Preliminary Amendments filed on 04/16/2001
- Information Disclosure Statements filed on 04/16/2001
- Oath or Declaration filed on 04/16/2001
- Biochemical Sequence Listing filed on 04/16/2001
- Request for Immediate Examination filed on 04/16/2001
- U.S. Basic National Fees filed on 04/16/2001
- Substitute Specification filed on 04/16/2001
- Priority Documents filed on 04/16/2001

Applicant's response filed 04/16/2001 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 02/06/2001 have not been completed.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e) and PCT Rule 13ter.1(a)(ii).
  - APPLICANT MUST PROVIDE:
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

Telephone: (703) 305-3653

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/700,270	PCT/GB99/01450	GG109US